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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 11-CR-0942-WHA
	)	
v.	)	
	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING
KEVIN DERRICOTT,	)	
	)	
Defendant.	)	
	)	
	)	

The parties respectfully submit this Stipulation and Proposed Order to request that the status conference scheduled for November 6, 2012 be continued until late January 2013, depending on the Court's availability, and that time under the Speedy Trial Act be excluded until the new date. The parties hereby stipulate and agree to the following:

1. The defendant, Kevin Derricott, has been charged with conspiracy to commit bank and wire fraud, substantive wire fraud, and substantive bank fraud in the above-captioned indictment arising from his alleged participation in a scheme to acquire mortgage loans through fraud. The defendant made his initial appearance before the Court on July 10, 2012. At that appearance, Randy Sue Pollock, Esq., entered this case as the defendant's counsel.

2. On July 10, 2012, at the request of the parties, the Court continued the matter

1 until September 4, 2012 to allow Ms. Pollock to familiarize herself with this matter and to allow  
2 the Government to prepare discovery. Since then, the Government has loaded a massive amount  
3 of discovery on to a one-terabyte hard drive for Ms. Pollock. This discovery consists mostly of  
4 bank documents relating to the various allegedly fraudulent loans attributable to the charged  
5 scheme.

6 3. The defense, however, has had difficulty accessing the data on the hard drive.  
7 The Government believes that these difficulties arise from the security encryption protocols that  
8 the Government is required to use whenever it produces large amounts of electronic data on a  
9 device such as a hard drive: the defense's computer system seems to be incompatible with the  
10 Government's system. After exploring different ways to address this problem, the parties have  
11 settled on having the Government provide the encrypted hard drive to a third-party vendor that  
12 runs a computer system compatible with the Government's security protocols and that can access  
13 the hard drive. The third-party vendor will then reproduce the data to the defense in a form  
14 compatible with the defense's computer system.

15 4. Accordingly, given this unexpected computer problem, the parties respectfully  
16 request a further continuance of the next appearance, until late January 2013. Should the Court  
17 grant this request, the parties agree that excluding time under the Speedy Trial Act until the  
18 continued date would serve the interests of justice by insuring the effective representation of  
19 counsel.

20  
21 SO STIPULATED.

22  
23 DATED: October 25, 2012

MELINDA HAAG  
United States Attorney

24  
25 By: /s/  
W.S. Wilson Leung  
Assistant United States Attorney

26 DATED: October 25, 2012


27 By: /s/  
Randy Sue Pollock, Esq.  
Counsel for Kevin Derricott

**ORDER**

The Court is disappointed that counsel did not discover the encryption problem in a more timely way, but nonetheless will grant the motion. Please do not ask for another continuance based upon any need to review the hard drive of data. The status conference, previously scheduled for November 6, 2012, is hereby continued to January 22, 2012 at 2 p.m.

**SO ORDERED.**

DATED: October 26, 2012

  
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HON. WILLIAM ALSUP  
United States District Judge